

**TOWN OF SULLIVAN
PROPOSED LOCAL LAW NO. D OF 2022
A LOCAL LAW ADDING A NEW CHAPTER 207 (“SIDEWALKS”)
TO THE TOWN OF SULLIVAN TOWN CODE**

Be it enacted by the Town Board of the Town of Sullivan as follows:

SECTION 1. AUTHORITY.

This Local Law is enacted pursuant to the New York State Constitution and New York Municipal Home Rule Law §10.

SECTION 2.

The Town of Sullivan Town Code is hereby amended by adding a new Chapter 207 (“Sidewalks”), as follows:

§207-1 Legislative intent.

It is the intention of the Town Board to protect the health and safety of the community by requiring the owners and occupants of lands fronting and adjoining public streets, sidewalks, roadways and highways to maintain, repair and keep safe sidewalks and curbing adjacent to their properties in a safe condition for the protection of pedestrians.

§207-2 Definitions.

For the purpose of this Chapter, the following words shall have the meanings indicated:

Sidewalk

The area between the edge of a roadway or highway pavement and the lot line of the abutting property, including but not limited to the curb, utility, brick, tree, direct or landscape areas.

§207-3 Removal of snow and ice.

- A. It shall be the joint and several obligation of the owner, agent or occupant of any parcel of real estate upon which a sidewalk fronts or adjoins, whether the parcel of real estate is occupied by a structure or not, to keep such sidewalks free from snow and ice for the entire length of the sidewalk fronting or adjoining such parcel. For the purposes of this Chapter, such obligation exists regardless of whether the sidewalk is located on private property of the owner, agent or occupant, or within the road right-of-way.
- B. Snow and ice shall be removed from the sidewalks within twelve (12) hours after the end of any snowfall, provided however that any snow or ice that has ceased to fall or form after 6:00 p.m. of any evening may be removed at any time before 9:00 a.m. the following day.

- C. In the event that snow and/or ice on a sidewalk have become so hard that they cannot be removed without the likelihood of damage to the sidewalk, the owner, agent or occupant of the premises upon which a sidewalk fronts or adjoins shall cause sand, salt or other appropriate abrasive element to be put on the sidewalk to make travel thereon reasonably safe. As soon as the conditions allow, all snow and ice shall be immediately removed from the sidewalk.
- D. No owner, agent or occupant shall cause any snow or ice to be swept, thrown or deposited onto a fire hydrant, any other parcel of real estate without the permission of the owner of that real estate, or into the road right-of-way between the sidewalk and the road or any street, highway or sidewalk.
- E. Any owner, agent or occupant clearing snow and/or ice from a corner lot shall ensure that such snow and/or ice are not piled in a manner as to endanger pedestrians or obstruct the view of motorists.
- F. Notwithstanding any other statute, ordinance, rule and/or regulation, any and all snow and/or ice plowed/removed from any highway right-of-way within the borders of the Town may be plowed/removed to any adjoining sidewalk, walkway, pathway and/or right-of-way of such highway right-of-way, which, for the purpose of such snow removal, shall be considered a snow shelf. Highway rights-of-way within the Town shall include any State, County and/or Town road, and there shall be no obligation of the Town, County or State to remove any snow and/or ice from said snow shelf once it is placed there.

§207-4 Maintenance, repair and replacement of sidewalks.

- A. Duty to keep sidewalks clean. It shall be the joint and several obligation of any owner, agent or occupant of any parcel of real estate upon which a sidewalk fronts or adjoins, whether the parcel of real estate is occupied by a structure or not, to keep such sidewalks free from all leaves, dirt, filth and garbage, and to keep the sidewalk in good repair and condition for safe public use for the entire length of the sidewalk fronting or adjoining such parcel.
- B. Obstructions. No property owner, agent, occupant or other person shall place or cause to be placed upon any sidewalk an obstruction of any kind as would interfere with the safe use of the sidewalks, except for temporary loading or unloading provided that such loading or unloading is completed without delay.
- C. Compliance of privately owned streets required. All sidewalks constructed along privately owned streets of any development shall be subject to this Chapter and shall comply in all respects herewith. Failure to comply with

this Chapter in any respect shall constitute sufficient cause for the Town to reject the proposed dedication of any street.

§207-5 Notice of violation of this Chapter.

- A. Upon becoming aware that any property owner, agent or occupant is in violation of this Chapter, written notice of such violation shall be served by the Town Superintendent of Highways, Town Codes Enforcement Officer or any other law enforcement officer, or by their authorized agent. Such notice shall be served on such property owner, agent or occupant (a) personally or (b) by leaving the same at the subject property with a person of suitable age and discretion or visibly affixing it to the entrance of the property and thereafter mailing it to the owner of the property at their last known mailing address as listed on the tax records for the property. This notice shall describe the violation and set a time limit for the remedy of the violation.
- B. In the event that notice of the violation is served with regard to the removal of snow, ice, debris or other obstruction and the violation is not remedied within the time limit set forth in the notice, the Town is hereby authorized to remedy the violation.
- C. In the event that notice of the violation is served with regard to the construction, maintenance, repair, repaving or reconstruction of a sidewalk and the violation is not remedied within the time limit set forth in the notice, the Town shall issue an order directing repair of such violation.
- D. Any work performed by the Town in accordance with this Chapter shall be reimbursed to the Town by the owner of the property upon which said sidewalk fronts or adjoins. The Town shall notify the Town Clerk of the expenses incurred for the labor, equipment and materials used. The Town Clerk shall prepare a bill for the owner including these costs, as well as any other fee incurred by the Town including but not limited to reasonable engineering and attorneys' fees. The Town Clerk shall bill the owner, with such bill to be paid within thirty (30) days of the date of the bill. Failure of such owner to pay the bill within that period shall result in the assessment of the total amount of the bill, including any and all fees and expenses, against the real property to be collected as part of the annual tax levy. Upon written request to the Town Codes Enforcement Officer within ten (10) days of receipt of the bill, the owner of the property may request a hearing before the Town Codes Enforcement Officer to appeal all or any part of the charges imposed.

§207-6 Liability.

- A. Notwithstanding any provision of law, the owner of real property upon which a sidewalk fronts or adjoins, and any agent or occupant to whom the

owner has delegated responsibility for sidewalk maintenance, repair and snow removal, shall be liable for any injury to property or personal injury, including death, proximately caused by the failure of such owner, occupant or agent to maintain such sidewalk in a reasonably safe condition. Notwithstanding any other provision of law, the Town shall not be liable for any injury to property or personal injury, including death, proximately caused by the failure of such owner agent or occupant to maintain such sidewalk in a reasonably safe condition. Failure to maintain such sidewalk in a reasonably safe condition shall include, but not be limited to, the negligent failure to install, construct, reconstruct, repave, repair or replace defective sidewalks and the negligent failure to remove snow, ice, dirt or other material from the sidewalk.

- B. Nothing in this section shall in any way affect the provisions of any other law or rule governing the manner in which an action or proceeding against the Town is commenced, including any provisions requiring prior notice to the Town of defective conditions.

§207-7 Penalties for violations of this Chapter.

Any and every violation of the provisions of this Chapter shall be deemed an offense punishable by a fine not exceeding one hundred dollars (\$100) for each offense. Each day's continued violation of this Chapter, after written notice thereof, shall constitute a separate and additional violation. In addition to the above-provided penalty or in lieu thereof, the Town Board may also maintain an action or proceeding in the name of the Town in a court of competent jurisdiction to compel compliance with or restrain by injunction the violation of this Chapter.

SECTION 3. SEVERABILITY

If any clause, sentence, paragraph, section, article or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operations to the clause, sentence, paragraph, section, article, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

SECTION 4. EFFECTIVE DATE

This Local Law shall take effect upon filing with the Secretary of State.